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DATE FILED: 6/8/11

United States District Court
Southern District of New York

MILTON C. BROWN,
Plaintiff,

11 Civ. 1641 (JGK)

- against -

MEMORANDUM OPINION AND
ORDER

HUDSON CREATIVE CORP., ET AL.,
Defendants.

JOHN G. KOELTL, District Judge:

The plaintiff is granted leave to amend the complaint. The motion to dismiss is denied as moot without prejudice to refiling. As discussed at the conference held June 8, 2011, any dismissal for failure to state a claim will be with prejudice. See Abu Dhabi Commercial Bank v. Morgan Stanley & Co., No. 08 Civ. 7508, 2009 WL 3346674, at *2 (S.D.N.Y. Oct. 15, 2009).

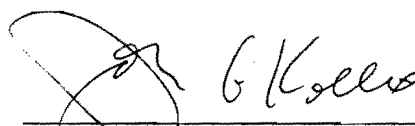
The plaintiff shall file his amended complaint by **June 21, 2011**. The time to move or answer is **July 5, 2011**. If any defendant wishes to move to dismiss the complaint, they should contact the Court to schedule a pre-motion conference.

Except as discussed at the conference held June 8, 2011, discovery is stayed until **July 6, 2011**. Another conference is scheduled for **July 21, 2011**.

The Clerk is directed to close Docket No. 14.

SO ORDERED.

Dated: New York, New York
June 7, 2011



John G. Koeltl
United States District Judge